

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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MIGDALIA HERNANDEZ, o/b/o
BRIAN SAEZ-HERNANDEZ,

U.S. DISTRICT COURT
W.D.N.Y. FOR EASTER

Plaintiff,

-v-

DECISION AND ORDER
05-CV-6236T(Fe)

JO ANNE B. BARNHART,

Defendant.

Plaintiff has submitted a complaint, along with an affirmation of poverty, and seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. The affirmation of poverty has been reviewed in accordance with 28 U.S.C. § 1915(a)(1) and the complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria. Plaintiff alleges, on behalf of her thirteen-year-old son, Brian Saez-Hernandez, that he suffers from a bi-polar disorder, Attention Deficit Hyperactivity Disorder and asthma. They are seeking review of the denial of benefits pursuant to 42 U.S.C. § 405(g).

Plaintiff has met the statutory requirements for *in forma pauperis* status, and therefore permission to proceed *in forma pauperis* is granted. The Clerk of the Court is directed to file plaintiff's papers without payment of fees. Service of papers, which may be done by certified mail, shall be performed by plaintiff's attorney.

SO ORDERED.

Dated: May 18, 2005
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge